IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1147 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/07/2004 in W.P.No.10302 of 2004 on the file of the High Court.)

Between:

The Executive Officer,

Sri Someswara and Gopala Swamy Temples,

Vella Village,
Ramchandrapuram Mandal,

East Godavari District

..... APPELLANT

AND

1 Vittikuti Rambabu

S/o Narayana Murthy, aged about 45 years
(Sy. No. 7/1, 8, 6/1, 6/2- total Extent Ac. 7.49 cents)

R/o Vella Village,

Ramachandrapuram Mandal,
East Godavari District
2 Bejawada Ramakrishna

S/o Soma Raju, aged about 28 years
(4,2, 6/1, total Extent Ac. 5.26 cents)

R/o Vella Villagem,

Ramachandra Puram Mandal,
East Godavari District

3 Dune Venkatakrishna Rao

S/o Mutchara Rao, aged about 30 years
(10.6/1 total Extent Ac.6.31 Cents)

R/o Vella Village Ramachandra Puram Mandal,
East Godavari District

4 Sunkarabulli Veera Raju

S/o Sreenivasu, aged about 22 years
(12, 11/1, 11/2, 6/1 Extent Ac. 7.14 Cents)

R/o Vella Village Ramachandra Puram Mandal,
East Godavari District

5 Dune Rajababu

S/o Veeraju
Sy. 2,3 6/1-total extent Ac.7.14 cents)

R/o Vella Village,

Ramachandrapuram Mandal,
East Godavari District.

6 The Commissioner, Endowments,

Tilak Road,

Hyderabad

7 The Assistant Commissioner,

Endowments, Rajahmundry,

East Godavari District

8 The Manager, Sri Someswara and Gopal Swamy temples,

Vella Village, Ramachandra Puram Mandal,

East Godavari District

.....RESPONDENTS

Counsel for the Appellant :Smt. N.Indrani,

Counsel for the Respondents: Mr. T.Nagarjuna Reddy for R-1 to R-5

Govt. Pleader for Endowments for R-6 and R-7

The Court made the following :

JUDGMENT: (Per Hon'ble the Chief Justice)

Writ petitioners – respondents participated in the public auction held on 22nd July, 2003 and they were declared as highest bidders. Period of lease was for one year, which had expired in the month of March, 2004. Fresh auction notice was issued on 14th June, 2004 and at that stage, writ petitioners approached the Court questioning the action of issuing fresh notice on various grounds. The learned single Judge disposed of the writ petition with liberty reserved to the writ petitioners to submit a representation within a period of ten days with direction to the second respondent in the writ petition to consider the same and pass appropriate orders on merits taking into account the circular relied upon by the writ petitioners. But, while disposing of the writ petition, learned single Judge directed that if the writ petitioners are continuing in possession of the land in question, which of course they were continuing in possession, the possession be not disturbed till order is passed by the second respondent. Appellant is aggrieved by this order.

We have heard learned counsel for the parties. Learned single Judge, as a matter of fact, has not decided any question in the writ petition and simply reserved liberty with the writ petitioners to submit representation to the second respondent on which second respondent has to pass appropriate orders in accordance with law. In such like situation when lease of writ petitioners had expired in the month of March, 2004

and fresh auction had been conducted, there was no lawful justification for the learned single Judge in having directed further that their possession, if they are already in possession, shall not be disturbed till decision is taken by the second respondent

inasmuch as there is no right vested in the writ petitioners to remain in possession after expiry of the validity period of lease, which expired in the month of March, 2004. We allow the appeal and set aside the last part of the order, which directed that writ petitioners' possession will not be disturbed till their representation is decided.

Writ Appeal is accordingly allowed.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

04-08-2004

bsc

To

1. The Commissioner, Endowments,

Tilak Road,

Hyderabad
2. The Assistant Commissioner,

Endowments, Rajahmundry,

East Godavari District
3. 2 CD copies